

# CRS Insights

Burma's Parliament Defeats Constitutional Amendments

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June 30, 2015 (IN10307)

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On June 25, 2015, Burma's parliament, the Pyidaungsu Hluttaw, [defeated five of six proposed constitutional amendments](#) that arguably could have advanced democratic reforms in which Congress has shown an interest. Among the amendments voted down by the parliament was one that would have removed the restriction that prevents opposition leader Aung San Suu Kyi from serving as Burma's president and another that would have lowered the threshold for amending the constitution from 75% to 70% of the total members of parliament.

Under the provisions of Burma's 2008 constitution, which was written by the nation's most recent military junta, the State Peace and Development Council (SPDC), 75% of the total members of parliament (MPs)—or 498 of 664 members—must vote in favor of any proposed constitutional amendment. This provision gives the 25% of the MPs who are military officers appointed by the Burmese military's commander-in-chief an effective veto over any constitutional changes. On the day of the vote, 583 MPs were present and 50 were absent; 31 seats currently are vacant. All 166 military MPs reportedly were present.

## Votes on the Defeated Amendments

A proposal to remove the restriction in Section 59(f), which prohibits anyone whose legitimate children enjoy or are "entitled to enjoy the rights and privileges of a subject of a foreign government or citizen of a foreign country" from serving as president, was defeated by a vote of 371 for and 212 against. The section bars Aung San Suu Kyi as serving as president because her two sons are foreign nationals.

The proposed amendment to Section 60(c), which would have required that candidates for president or vice president be members of parliament, was defeated by a vote of 386 for and 197 against.

Amendments to Section 436(a) and 436(b), which would have reduced the threshold for amending the constitution from 75% to 70% of the MPs, were rejected by identical votes of 388 for and 195 against. Another amendment that would have altered Section 418(b), which terminates all parliamentary appointments (except for the president and two vice presidents) if a state of national emergency is declared, was defeated by a vote of 386 for and 197 against.

The only amendment to pass was a technical change to Section 59(d), replacing the word "military" with "defense" in the list of eligibility qualifications for president.

The votes on the proposed constitutional amendments were cast by secret ballot. Many observers speculate that the 166 military MPs voted against all five amendments. Depending on the amendment, a minimum of 31 to 46 civilian MPs voted against the amendments. It is likely that many of these MPs were members of the pro-military United Solidarity and Development Party (USDP), which holds a majority of parliamentary seats.

## Significance of the Amendments

The defeated constitutional amendments were viewed by many parties, including opposition leader Aung San Suu Kyi, the Obama Administration, and some Members of Congress, as an important indicator of the willingness of Burma's political leaders to undertake additional political reforms.

Prior to the vote, Aung San Suu Kyi stated that her party, the National League for Democracy (NLD), supported the amendments, even though the NLD wanted the constitutional amendment thresholds lowered to 67%.

Following the amendments' defeat, a fellow [NLDMP said](#), "Now people clearly know who is not interested in reform and the wishes of the people."

Prior to the vote, one [ruling party MP reportedly urged the other MPs to support the amendments](#), indicating it was the right time for their approval. However, a military MP reportedly argued against passage of the amendments.

The Obama Administration had signaled its support for the proposed amendments. [A spokesperson for the U.S. embassy in Rangoon](#) was quoted as saying after the vote:

There are provisions in Burma's constitution, such as the lack of civilian control of the military and the military's veto power over constitutional amendments, that contradict fundamental democratic principles.

It is unclear why Shwe Mann, speaker of the parliament, brought the amendments up for a vote, given [Commander-in-Chief Senior General Aung Min Hlaing's apparent opposition](#) to several of them. Some observers speculate that he called the vote, knowing the amendments would fail, to improve his prospects to be selected as the nation's next president following the parliamentary elections tentatively scheduled for November 2015 (under the 2008 constitution, the president and two vice presidents are chosen by the parliament).

### Implications for Burma's Future and the U.S. Congress

The defeat of the five proposed constitutional amendments means that Aung San Suu Kyi will remain ineligible to serve as president, and that military MPs will continue to have an effective veto power over constitutional amendments. It also is an indication that Burma's military leaders and some MPs apparently are opposed to making significant changes in Burma's current joint civilian/military government.

Even if the NLD emerges as the largest party in the parliament in nationwide parliamentary elections tentatively scheduled for November, many analysts now consider it unlikely that an NLD member will be chosen to serve as president. In addition, while the NLD may be able to form a ruling coalition in the parliament, it will be unable to change the current constitution without the support of at least some of the military MPs.

The amendments' failures may also be another sign that Burma's political reforms have stalled or that the reform process has reached the limit of what the Burmese military and current political leaders consider desirable. As many analysts have noted, the pace of political reform in Burma has significantly slowed since 2012, with some incidences of backsliding.

For Congress, the status of Burma's political reforms may be a factor when considering legislation pertaining to U.S. relations with Burma. [S.Res. 116](#) endorses specific prerequisites for free and fair parliamentary elections in Burma. The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 ([H.R. 2772](#)) would place certain restrictions on U.S. assistance and engagement with Burma until specific conditions, such as free and fair parliamentary elections, are achieved in Burma.